

By: Kolkhorst

S.B. No. 404

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting health care practitioners from providing
3 alcoholic beverages to certain persons; imposing an administrative
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle A, Title 3, Occupations Code, is
7 amended by adding Chapter 116 to read as follows:

8 CHAPTER 116. PROVIDING ALCOHOLIC BEVERAGES PROHIBITED

9 Sec. 116.001. DEFINITIONS. In this chapter:

10 (1) "Health care practitioner" means an individual
11 issued a license, certificate, registration, title, permit, or
12 other authorization under this title to engage in a health care
13 profession.

14 (2) "Licensing entity" means a department,
15 commission, board, office, authority, or other agency of the state
16 that regulates health care practitioners under this title.

17 Sec. 116.002. PROVIDING ALCOHOLIC BEVERAGE PROHIBITED. (a)
18 Except as otherwise provided by Subsection (b), a health care
19 practitioner or an employee or agent of a health care practitioner
20 may not provide or otherwise make available to a patient or to a
21 person accompanying the patient in the health care practitioner's
22 office, including the patient's parent or guardian, an alcoholic
23 beverage subject to regulation under the Alcoholic Beverage Code.

24 (b) This section does not apply to alcohol when used as, or

1 contained in, a drug for the diagnosis, cure, mitigation,
2 treatment, or prevention of illness, injury, or disease.

3 (c) A licensing entity may adopt rules necessary to
4 implement this chapter.

5 Sec. 116.003. IMPOSITION OF ADMINISTRATIVE PENALTY. The
6 appropriate licensing entity may impose an administrative penalty
7 against a health care practitioner who violates Section 116.002 or
8 a rule or order adopted under that section.

9 SECTION 2. This Act takes effect September 1, 2017.